IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6033 OF 2006

All India General Insurance
Scheduled Castes/Scheduled
Tribes Employees Welfare
Association and Others. .....Petitioners.

V/s.

Union of India and Others. .....Respondents.

Mr. V.S. Kotwal, Senior Advocate with Mr. P.A. Pol for Petitioners.

Mr. K.J. Presswalla with Ms. Prarthana Patel i/b Mulla & Mulla & CBC for Respondent Nos. 3, 5 and 6.

Mr. Anil Singh with Mr. N.D. Sharma i/b Mr. G.C. Mishra for Respondent No.1.

CORAM: H.S. BEDI C.J., &
V.M. KANADE, J.
DATE : OCTOBER 12, 2006.

P.C.:

1. The learned Counsel for the petitioners does not press the Petition in the light of the judgment of the Madras High Court in an identical matter. He has, however, pointed out that some of the Officers have still not yet accepted their transfer orders and to shift them at this midterm stage would cause great hardship to them more particularly in so far as the education of their children was concerned.

2. The learned Counsel for respondent Nos. 3, 5 and 6 has however put on record the policy of transfer and an extract of para V from the Personnel Manual of the respondents which clearly gives relief to those Officers whose children are studying in colleges or schools. We therefore feel that no further direction in this regard is necessary.

3. The learned Counsel for the Petitioners has also pointed out that some reasonable time may be granted to those Officers who have not yet shifted to their new places of posting and that the rent at the enhanced rate should not be taken from them for the premises that they were presently occupying. We allow this prayer and direct that all Officers who are required to shift shall do so by 15th November, 2006, failing which it will be open for the respondents to charge the enhanced rent as per rules and to take such disciplinary action as they may deem fit and proper. It has finally been pointed out by the learned Counsel for the Petitioners that some cases of hardship required a more humane approach. Our attention has been drawn to one such case which is at

Exhibit “IV” of the affidavit-in-rejoinder of the Petitioner No.2. We accordingly direct that in cases of individual hardship, the Officer concerned can make an application to the respondents which will be considered by them with the sympathy which each such case deserves.

4. We further clarify that the above directions will be confined only to employees belonging to Scheduled Caste and Scheduled Tribes.

5. Petition is accordingly disposed of.

CHIEF JUSTICE

V.M.KANADE, J